IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 232 OF 2006
IN
WRIT PETITION NO. 1699 OF 2005

M/s.All India Manufacturers' Organisation ..Appellants.

V/s.

General Kamgar Union (Red Flag) & Ors. ..Respondents.

Mr. K.S.Bapat i/by Jayesh K. Desai for the Appellants.

Mr.G.R.Naik i/by Mr.Jaiprakash Sawant for Respondent No.1

CORAM : DR. S. RADHAKRISHNAN &
S. J. VAZIFDAR, JJ.

DATED : 17TH APRIL, 2006

PC :

1. Heard learned counsel for the Appellants and the Respondents.

2. Appeal is admitted.

3. The learned counsel for the Respondents waives service.

4. By consent, the Appeal is taken up for final hearing.

5. After hearing the parties for some time, it appears that the Appellants by their affidavit in reply dated 29th July, 2004 had disclosed that the Respondents were on an illegal strike. Obviously, the Appellants could not have referred to approaching the Reference Court in that affidavit, as the Reference Application itself was preferred on 10th August, 2004, which was subsequent to 29th July, 2004.

6. After hearing the parties for some time, the learned counsel appearing on behalf of the Respondents workmen states that all the Respondents workmen are ready and willing to join the service and are ready to report for duty but without prejudice to their rights and contentions regarding back wages.

7. Mr. Bapat, the learned counsel appearing on behalf of the Appellants states that the Appellants will deposit a sum of Rs. Five lakhs within a period of three months from today with the Labour Court towards the back wages of the workmen. However, this is without prejudice to the rights and contentions of the Appellants. The learned counsel for the Appellants also states that as soon as the workmen report for the duty, they will be taken on duty and they will be the paid regular wages.

8. Having regard to the facts and circumstances of the case, Reference No. 2 of 2004, pending before the Labour Court, stands expedited and the Labour Court is directed to dispose of the same as expeditiously as possible, preferrably within a period of one year from today and the Complaint which is pending before the Industrial Court shall be preferrably disposed of within a period of six months thereafter.

9. The learned counsel for the Respondents fairly states that they will not press contempt proceedings adopted against the Appellants.

10. Appeal is disposed of accordingly.

(Dr.S.Radhakrishnan,J)

17.4.2006

(S.J. Vazifdar, J)

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